

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Baljinder Singh v. Pamela Bondi, Attorney General of the United States; Kristi Noem, Secretary, Department of Homeland Security; Mary De Anda-Ybarra, El Paso Field Office Director, Immigration and Customs Enforcement; Todd Lyons, Acting Director of Immigration and Customs Enforcement; and Warden, Torrance County Detention Facility

Baljinder Singh v. Pamela Bondi, et al., No. 1:26-cv-0541 KG/GBW (D.N.M. Feb. 25, 2026) · No. No. 1:26-cv-0541 KG/GBW · Decided February 25, 2026

SUMMARY

The United States District Court for the District of New Mexico grants Baljinder Singh’s motion to proceed in forma pauperis in his 28 U.S.C. § 2241 habeas petition challenging immigration detention. The court orders the United States Attorney’s Office to answer within ten business days and adds federal immigration officials as respondents.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Kenneth J. Gonzales
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	February 25, 2026
DOCKET	No. 1:26-cv-0541 KG/GBW
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention and separately moved to proceed in forma pauperis. On initial review, the court found a colorable claim, granted in forma pauperis status, added proper respondent parties, and ordered the United States Attorney's Office to answer.
STANDARD OF REVIEW	Initial review under Habeas Rules 1(b) and 4 to determine whether the petition states a colorable claim warranting an answer.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

immigration detention

federal habeas corpus

removal proceedings

immigration

civil procedure

PRACTICE AREAS

immigration detention

federal habeas corpus

immigration law

civil procedure

QUESTIONS PRESENTED

1. Whether Singh should be permitted to proceed without prepaying the habeas filing fee under 28 U.S.C. § 1915.
2. Whether the allegations in Singh's § 2241 petition raised a colorable claim concerning his immigration detention sufficient to require the respondents to answer.
3. Whether the proper government officials and facility warden should be added as respondents in the immigration-detention habeas proceeding.

HOLDINGS

1. The court granted Singh leave to proceed in forma pauperis because he appeared unable to prepay the \$5 habeas filing fee.
2. The petition raised a colorable claim for relief, and the United States Attorney's Office was required to answer and show cause why the requested relief should not be granted.
3. The court added the Attorney General, Secretary of Homeland Security, relevant ICE officials, and the warden as additional respondents.

FACTUAL BACKGROUND

Singh alleged that ICE detained him on January 10, 2026, without a warrant or explanation. He stated that his asylum and removal proceedings were pending and that he had not received a bond hearing or custody redetermination. He also alleged serious medical conditions and inadequate medical treatment, and asserted that he had valid employment authorization, a Social Security number, and complied with United States laws.

PROCEDURAL HISTORY

Baljinder Singh filed a § 2241 habeas petition on February 24, 2026, alleging unlawful immigration detention and seeking release. The court granted his motion to proceed in forma pauperis, determined that the petition raised a colorable claim for relief, electronically served the federal respondents, and ordered the United States Attorney's Office to respond within ten business days.

DISPOSITION

other

CASES CITED

- Lowmaster v. Dir., Bureau of Prisons, 2024 WL 5135970, at *1 (D. Kan. Dec. 17, 2024)
- Danderson v. Page, 2024 WL 3913051, at *2 (E.D. Okla. Aug. 20, 2024)
- Garcia Sanchez v. Noem, et al., 25-cv-1219 KG/JFR
- Pu Sacvin v. De Anda-Ybarra, 2025 WL 3187432, at *3 (D.N.M.)
- Danierov v. Noem, 2026 WL 45288, at *2 (D.N.M.)

OPINION

Singh

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
BALJINDER SINGH,

Petitioner, v. No. 1:26-cv-0541 KG/GBW PAMELA BONDI, Attorney General of the United States; KRISTI NOEM, Secretary, Department of Homeland Security; MARY DE ANDA-YBARRA, El Paso Field Office Director, Immigration and Customs Enforcement; TODD LYONS, Acting Director of Immigration and Customs Enforcement; and WARDEN, Torrance County Detention Facility, Respondents.¹

ORDER TO ANSWER AND GRANTING MOTION TO PROCEED IN FORMA PAUPERIS

Before the Court is Petitioner Baljinder Singh's pro se Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Doc. 1) (Petition), filed on February 24, 2026. Petitioner is detained at the Torrance County Detention Facility in Estancia, New Mexico, and challenges his detention in Immigration and Customs Enforcement (ICE) custody. Also before the Court is Petitioner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. (Doc. 2) (IFP Motion). It appears Petitioner is unable to prepay the \$5.00 habeas filing fee. The Court will grant the IFP Motion pursuant to 28 U.S.C. § 1915(b)(4) and Petitioner shall be excused from prepaying the filing fee. ¹ The pro se Petition names the Warden as Respondent, which is standard in non-immigration cases. The Court adds the above-mentioned parties as additional Respondents in this case. See Lowmaster v. Dir., Bureau of Prisons, 2024 WL 5135970, at *1 (D. Kan. Dec. 17, 2024) ("the Court notes that it routinely substitutes the" proper parties as "respondent in habeas cases"); Danderson v. Page, 2024 WL 3913051, at *2 (E.D. Okla. Aug. 20, 2024) (substituting the proper party respondent in a habeas case). Petitioner states that on January 10, 2026, was taken from a gas station by ICE without a warrant and without explanation. (Doc. 1) at 9-10. He states that his asylum and removal proceedings are pending, and he has not provided a bond or custody redetermination. Id. at 2-6. Petitioner further states he suffers from serious medical conditions and is not receiving proper medical treatment, and at the time of his detention he possessed valid employment authorization, a Social Security number, and had complied with U.S. laws. Id. at 10. Petitioner seeks release from immigration detention. Id. at 7. Having conducted an initial review of the Petition, the Court finds the alleged facts raise a colorable claim for relief. See Garcia

Sanchez v. Noem, et al., 25-cv-1219 KG/JFR (concluding petitioner was detained pursuant to 8 U.S.C. § 1226, rather than 8 U.S.C. § 1225, and ordering Respondents to provide a bond hearing); Pu Sacvin v. De Anda-Ybarra, 2025 WL 3187432, at *3 (D.N.M.) (Gonzales, J.) (same); Danierov v. Noem, 2026 WL 45288, at *2 (D.N.M.) (Gonzales, J.) (same). The Clerk's Office has electronically served a copy of the petition in this matter on all federal respondents by Notice of Electronic Filing (NEF) using the Case Management and Electronic Case Filing (CM/ECF) system. See (Doc. 3). The United States Attorney's Office (USAO) shall answer the Petition within ten (10) business days of entry of this Order and show cause why the requested relief should not be granted. See Habeas Rules 1(b), 4 (courts have discretion to set a time for respondents to answer a habeas petition). Petitioner may file an optional reply within ten (10) business days after the answer brief is filed. If the USAO declines to timely respond, the Court may enter a separate order directing the Immigration Court to conduct a bond hearing in accordance with its prior rulings on this issue. 2 IT IS THEREFORE ORDERED that:

1. Petitioner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (Doc. 2) is GRANTED;
2. The United States Attorney's Office must answer the Petition within ten (10) business days of entry of this Order and show cause why the requested relief should not be granted;
3. If Petitioner wishes to file an optional reply, he must do so within ten (10) business days after Respondents' response is filed; and
4. The Clerk's Office shall add the additional party Respondents set forth in the caption of this Order to the docket of this case. /s/Kenneth J. Gonzales_____

CHIEF UNITED STATES DISTRICT JUDGE

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